

**RULES OF THE
SUPERIOR COURT
OF CALIFORNIA
COUNTY OF
SAN LUIS OBISPO**

Effective July 1, 2002

CHAPTER 1.
COURT RULES ADMINISTRATION

RULE 1.00**ADOPTION AND AMENDMENT OF RULES**

These rules are adopted pursuant to Government Code Section 68070, subject to amendment at any time by a majority of the judges of the court. Except as hereafter provided, they must be effective only to the extent that they do not conflict with California statutes or with the California Rules of Court. Rules previously adopted by this court are hereby repealed by the adoption of these rules.

RULE 1.01**ESTABLISHMENT OF COURT POLICIES AND PROCEDURES**

The court may establish policies and procedures relating to all court matters including but not limited to such matters as policy and procedures, probate and trial manuals.

RULE 1.02**PUBLICATION AND PRINTING OF RULES**

Upon adoption by the Court, court rules and amendments thereof must be filed with the California Judicial Council and the Clerk of the Court as provided by statute. One copy of all rules and amendments must be provided to the law library of each California county through the auspices of the Judicial Council, and also furnished for publication to the Los Angeles Daily Journal, as the major Southern California legal newspaper. In consideration of the availability of court rules in the Daily Journal court rules service and all law libraries, the Court will not print or further publish such rules for distribution to parties or counsel.

RULE 1.03**NAME OF COURT**

This court must be known as the Superior Court of California, County of San Luis Obispo.
(Amended Eff. 7/1/02)

RULE 1.04**CONSTRUCTION AND APPLICATION OF RULES**

(a) These rules are supplementary to and subject to the California Rules of Court. They must be construed and applied so that they do not conflict.

(b) These rules have no retroactive effect.

(c) These rules must be liberally construed to secure the efficient administration of the business of the Court and to promote and facilitate the administration of justice by the Court.

(d) Chapter, Rule and Subdivision Headings do not affect the scope, meaning, or intent of the provisions of these rules.

(e) If any rule is held invalid, all valid parts that are severable from the invalid parts remain in effect. If a rule is held invalid in one or more of its applications, the rule remains in effect in all valid applications that are severable from the invalid applications.

(f) Construction of Terms

As used in these rules, unless the context or subject matter otherwise requires:

(1) ~~"Must"~~ "Must" is mandatory, and "may" is permissive.

(2) The past, present, and future tenses each include the other tenses.

(3) The masculine, feminine, and neuter genders each include the other genders.

(4) The singular and plural numbers each include the other.

(g) Definitions of Words Used in these Rules of Court

(1) The definitions set forth in the California Rules of Court apply with equal force and for all purposes to these rules, unless the context or subject matter otherwise requires.

(2) "California Rules of Court" means the rules of court administration, practice, and procedure adopted by the Judicial Council of California.

(3) "County" means the County of San Luis Obispo, State of California.

(4) "Court" means the Superior Court of California, County of San Luis Obispo and includes:

(A) Any judge who is appointed or elected a member of this Court.

(B) While serving this Court, any judge, including a retired judge, who is assigned by the Chairperson of the Judicial Council to serve this court.

(C) Any commissioner or referee who is appointed by the judges of this court.

(D) While serving this court, any retired commissioner who is assigned to serve the court by the presiding judge pursuant to Government Code Section 72190.

(E) While serving this court, any member of the State Bar of California ordered to act as a temporary judge pursuant to Article VI, Section 21, of the California Constitution and Rule 532 of the California Rules of Court.

(5) "Judicial Officer" includes any judge who is appointed or elected a member of this Court and any commissioner or referee who is appointed by the judges of this court.

(6) "Paper" includes all documents, except as otherwise provided in the California Rules of Court.

(7) "Person" includes corporations, associations, public entities, and all other entities, as well as natural persons. (Amended eff. 7/1/02)

RULE 1.05

AMENDMENT AND REPEAL OF RULES

These rules may be amended or repealed, and new rules may be adopted, at a meeting of the judges, provided that written notice of the proposed amended, repealed, or new rules is given to all judges at least seven days before the meeting. Rules may be amended or repealed and new rules may be adopted, by a majority vote of the judges attending and eligible to vote.

RULE 1.06

COMPLIANCE, SANCTIONS

If any counsel, a party represented by counsel, or a party if in pro se, fails to comply with any of the requirements of these rules, the court on motion of a party or on its own motion may strike out all or any part of any pleading of that party, or, dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order that the party or his or her counsel to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney fees. (The court recognizes that if the failure to comply with these rules is the fault of counsel and not of a party, any penalty must be imposed on counsel and must not adversely affect the party's cause of action or defense thereto.) (Amended eff. 7/1/02)

CHAPTER 2

COURT ORGANIZATION AND PERSONNEL

RULE 2.00

MEETINGS OF JUDGES

(a) Annual Meetings

An annual meeting of the judges must be held before or during the first two weeks of November of each year at a time and place to be designated by the presiding judge or a majority of the judges.

(b) Notice Of Meetings: Quorum

Written or verbal notice of meetings must be given, by the secretary of the presiding judge or otherwise, to each judge not less than five days before an annual meeting or 24 hours before a special meeting. A majority of the judges of the court must constitute a quorum for the transaction of court business at a meeting.

(c) Special Meetings

Additional judges meetings must be held at a time and place designated by the presiding judge or a majority of the judges.

(d) Parliamentary Law Applicable to All Meetings

Except as otherwise provided by law, the California Rules of Court, or these rules, the conduct of all meetings of judicial officers and committees of this court must be governed by the most recent edition of Robert's Rules of Order. (Amended eff. 7/1/02)

RULE 2.01

PRESIDING JUDGE AND ASSISTANT PRESIDING JUDGE

(a) Election, Tenure and Removal

~~At the annual meeting a majority of the judges must elect a presiding judge and an assistant presiding judge, to serve during the period December through the following November. A presiding judge or assistant presiding judge may be removed from office by a majority of the judges of the Court voting by secret ballot at a special meeting. At the annual meeting held before or during the first two weeks of the November of an odd calendar year, a majority of the judges appointed to the Court must elect, by secret ballot, a presiding judge and an assistant presiding judge. The presiding judge and assistant presiding judge must each serve for a term of two years commencing on the first day of the next even calendar year (January 1) and ending on the last day of the subsequent odd calendar year (December 31). A presiding judge or assistant presiding judge may be removed from office by a majority of the judges of the Court, voting by secret ballot, at a special meeting.~~

(b) Selection and Succession

Selection of the presiding judge and assistant presiding judge must be made on the basis of administrative qualifications and interest rather than by rotation or seniority, as provided by Rule 204 of the California Rules of Court. The assistant presiding judge must, subject to the elective process herein provided, be selected with the anticipation that he or she will succeed to the office

of presiding judge at some future time. There must, however, be no limitation on the number of successive terms that may be served by presiding judge or assistant presiding judge.

(c) Duties

The presiding judge must perform the duties enumerated in ~~Rule 205~~ Rule 6.603 of the California rules of Court. In addition, with the concurrence of a majority of the judges and after election, the presiding judge must designate in November of each year the calendar assignments for each judge and court commissioner, for the ensuing calendar year commencing on December 1. The assistant presiding judge must perform such duties as may be assigned from time to time by the presiding judge, and in the absence of the presiding judge must exercise the powers of the presiding judge.

~~(d) Acting Presiding Judge~~

~~In the absence or inability to act of both the presiding judge and assistant presiding judge the powers of the presiding judge must be exercised by a judge designated by the presiding judge to be the acting presiding judge~~

(d) Judicial Schedules

The presiding judge must adopt a process for scheduling judges' vacations and absences from court for attendance at schools, conferences, workshops, or to participate in Judicial Council or other authorized committees or community outreach activities, and must prepare a plan for these vacations and absences from court.

(1) Vacation Defined.

For the purposes of this section and subsection (c) of Rule 6.603 of the California Rules of Court, a day of vacation is defined as any day when a judge schedules a full days absence from the Court with the presiding judge, which is not an absence planned by the presiding judge for attending an authorized education program, conference or workshop for judges, or to participate in Judicial Council or other authorized committees or community outreach activities. Absences from the Court due to illness are not considered vacation time off.

(e) Acting Presiding Judge

In the absence or inability to act of both the presiding judge and assistant presiding judge, the powers of the presiding judge must be exercised by a judge designated by the presiding judge to be the acting presiding judge.

~~(e)~~ (f) Grand Jury

The presiding judge, or one of the judges designated by the presiding judge, must impanel and have charge of the proceedings of the grand jury and must act as the liaison between the court and the grand jury. All indictments must be presented to the presiding judge or such judge as the presiding judge must from time to time designate.

~~(f)~~ (g) Vacancy in Office

(1) [Vacancy of Presiding Judge] If the office of the presiding judge becomes vacant, or the presiding judge, because of disability, is unable to discharge the duties of the office, the assistant presiding judge must succeed to the office of presiding judge for the unexpired term of the presiding judge.

(2) [Vacancy of Assistant Presiding Judge] If the office of assistant presiding judge becomes vacant, the presiding judge must conduct a special election ~~conducted~~ at a meeting of judges of the court to select an interim assistant presiding judge to serve the unexpired term of the assistant presiding judge. ~~for the election of an assistant presiding judge to serve the unexpired term of the assistant presiding judge.~~

(3) If the offices of both the presiding judge and the assistant presiding judge become vacant, the last former presiding judge who is still a member of the court must become the acting presiding judge and must serve as such until the vacant offices are filled by election. The acting presiding judge must conduct a special election to elect a presiding judge and assistant presiding judge to serve the unexpired terms of the presiding judge and assistant presiding judge, respectively. (Amended eff. 7/1/02)

RULE 2.02

COURT COMMISSIONER & JUVENILE REFEREE

The judges of the court may appoint persons as court commissioners pursuant to Government Code section 70141. The judges of the court may appoint persons as juvenile referees pursuant to Welfare and Institutions Code section 247. The duties of such person(s) must be appropriate for subordinate judicial officers and/or as prescribed by statute.

RULE 2.03

COURT LOCATIONS

(a) The Superior Court of California, County of San Luis Obispo will regularly sit at the following court locations:

County Government Center
1050 Monterey Street, San Luis Obispo, CA 93408
214 S. Sixteenth Street, Grover Beach, CA 93433

549 Tenth Street, Paso Robles, CA 93446
Juvenile Services Center, San Luis Obispo

(b) Designation of Headquarters

The San Luis Obispo location will be deemed the headquarters for the administrative purposes. Each location will have concurrent county-wide jurisdiction. In addition, the court may conduct sessions at any appropriate location within the County of San Luis Obispo at the direction of the judge presiding at such hearing.

RULE 2.04

COURT ADMINISTRATION

(a) There must be one employee of the court who must be known as the Court Executive Officer. This officer is also the Clerk of the Court and is responsible for all civil case functions, administrative functions, and criminal case and traffic case functions. This officer is also the Jury Commissioner. There must also be one employee of the court who must be known as the Assistant Court Executive Officer. This officer must be appointed by a majority vote of the judges. (Eff. 7/1/1999)

(b) Except as otherwise directed by the presiding judge, the duties of this officer must be as set forth in Rule 207 of the California Rules of Court.

(c) Transfer of Administrative Procedures (Eff. 7/1/1994)

~~Pursuant to the authority contained in Government Code sections 26800 and 69898, the court hereby transfers and delegates from the County Clerk Recorder to the Superior Court all of the powers, duties, and responsibilities of the County Clerk Recorder as appointing authority of the following county positions and classifications whose principal activities are to serve the courts in connection with judicial actions and proceedings:~~

Court-Related positions	Number	Position Title
1	1	Deputy County Clerk
2	2	Supervising Superior Court Clerks
9	9	Superior Court Clerk I or II
3	3	Supervising Legal Process Clerks
16	16	Legal Process Clerks I, II, III

~~The court pursuant to this local rule hereby transfers and delegates all of the powers, duties, and responsibilities of the County Clerk to serve the courts in connection with judicial actions and proceedings, which powers, duties, and responsibilities must include: (a) the performance of clerical work for the judges of the Superior Court; (b) the responsibility for proper documentation of proceedings; (c) attendance at sessions of the court; (d) preparation of minutes, minute orders and judgments as needed by the court; (e) the filing of the court papers; (f) the administration of oaths to witnesses and jurors; (g) assistance to the public; (h) preparation of documents required by the court; (i) preparation of regular and special reports; (j) maintenance of records; (k) preparation of reports required by the judicial council, or other agencies of the State of California; (l) examination of documents for conformance, adequacy, and form; and (m) keeping the seal of the court, and authentication of court documents, including judgments.~~

~~For all transferred and delegated powers, duties, and responsibilities, the terms "County Clerk" or County Clerk Recorder must mean the Superior Court. The County Clerk Recorder is relieved of any obligation imposed on the County Clerk Recorder by law with respect to the County Clerk Recorder's powers, duties, and responsibilities to serve the court.~~

~~Employees currently holding the positions enumerated above must maintain their status as employees of the County, with all rights and responsibilities which they now, or hereafter, may have under County policies, rules, resolutions, ordinances, or memoranda of understanding.~~
(Amended effective 7/1/02)

RULE 2.05

COURT PERSONNEL

(a) Definition

~~All persons appearing on the payroll of the Court as permanent employees, and such additional employees assigned to the Court but appearing on the payroll of a separate budget unit solely for grant accounting purposes, must be considered Court personnel. All persons appearing on the payroll of the Court as permanent employees must be considered Court personnel and state trial court employees as defined in the Trial Court Employment Protection and Governance Act [Chapter 7 (commencing with Section 71600) of Title 8 of the California Government Code].~~

1. **Judges.** Only persons elected or appointed to the office of the Superior Court of California, County of San Luis Obispo shall be considered judicial personnel.

2. **Officers.** Court commissioners, referees of the juvenile court, traffic referees, court attorneys, and the court executive officer are the officers of the court.

3. **Employees.** All court personnel who are neither judges of the court nor court officers will be considered court employees.

(b) Conditions of Service

~~1. All officers and employees of the court must be exempt from the provisions of the San Luis Obispo County Civil Service System, and must serve at the pleasure of the judges of the court, a majority concurring pursuant to such court rules and policy as may be adopted by the judges for regulation of court personnel except those holding a different status. (Eff. 1/1/1998)~~
~~1. All officers and employees of the court must be subject to the Superior Court of California, County of San Luis Obispo, Personnel Rules and Procedures.~~
~~2. All officers and employees of the court must be subject to the Superior Court of California, County of San Luis Obispo, Personnel Rules and Procedures. (Eff. 7/1/1999)~~
(Amended effective 7/1/02)

RULE 2.06
COURT EMPLOYMENT CONFLICT OF INTEREST CODE

(a) Adoption of Code
This rule must constitute the Court's Conflict of Interest Code as required by Government Code Section 87300, and hereby incorporates by reference California Administrative Code, Title 2, Section 18730 ("Standard Code") and any amendments to it.
This court also in adopting the court personnel rules and procedures adopts the conflict of interest provisions set forth in those rules. (Eff. 7/1/1999)
(b) Place of Filing Statements of Economic Interest
Pursuant to Section 4(c) of the Standard Code, designated employees must file statement of economic interests with the County Clerk of San Luis Obispo County.
(c) Appendices to the Standard Code
The Court adopts the following appendices to the Standard Code
(Amended eff. 7/1/02)

RULE 2.07
GIFTS

No court employee shall accept, solicit, or agree to accept any gift, favor or anything of value based upon any understanding, either explicit or implicit that the official actions, decisions, or judgment of any court employee would be influenced thereby.
However, employees may accept small gifts when they can be consumed at the work place, are in keeping with the occasion and are made available to all personnel; and employees may accept gifts which are consistent with ordinary social hospitality. (Eff. 1/1/1999)

APPENDIX I:

**DESIGNATED EMPLOYEE, CONTRACTOR OR
CONSULTANT CLASSIFICATIONS**

<u>Position</u>	<u>Disclosure Category</u>
Superior Court Commissioner	1,2
Court Executive Officer	1,2
Assistant Court Executive Officer	1,2
Court Attorney	3
Consultant	1,2
Traffic Referee	1,2

¹ The court may determine in writing that a consultant is hired to perform a limited range of duties and that the consultant is not required to comply with broad disclosure requirements. The determination must include a description of

the consultant's duties and the extent of disclosure required. The court must file the statement with the clerk. The consultant must comply with all other provisions of this code.

2. Positions include employee, partner, officer, director, trustee, and any other management position.

APPENDIX II:**DISCLOSURE CATEGORIES**

Category 1. Employees, contractors or consultants in designated classifications assigned to this disclosure category must report interest in real property located within San Luis Obispo County or within two miles of San Luis Obispo County.

Category 2. Employees, contractors or consultants in designated classifications assigned to this disclosure category must report investments in and income from business entities engaged in the manufacture, sale, lease, or provision of supplies, materials, equipment, real property, and services of the type used by this court within the past two (2) years.

Category 3. Employees, contractors or consultants in designated classifications assigned to this disclosure category must report all investments, sources of income, interests in real property, and positions in business entities as follows: If during a reporting period a designated employee in this category did not participate in, or was not required to disqualify himself or herself from participating in, a case or other assignment in which he or she had a financial interest as defined by Section 87103 of the Government Code, the employee must sign a statement to that effect under penalty of perjury. This statement must be filed as the statement of economic interests required by Section 4(c) of the Standard Code. An employee who disqualified himself or herself from participating in which he or she had a financial interest must disclose the case or assignment and the disqualifying interest and file the statement with the Clerk.

RULE 2.08

COURT SECURITY AND CONDUCT

(a) Security

Security in the courtroom will be maintained by the Sheriff of the County of San Luis Obispo.

(b) Weapons

(1) No person, other than a currently employed peace officer or authorized court personnel shall bring any weapon into any courtroom. Authorization for court personnel must be given only by the presiding judge.

(2) No party to a case, including a currently employed peace officer shall possess any weapon in a courtroom.

(3) All persons in possession of a weapon, even if authorized, ~~must~~ *must if possible* disclose such fact to the bailiff of the courtroom before entry and in any event as soon as possible after entry. [Subd. (b) as amended eff. 7/1/1992.]

(c) Dress

No person shall appear in court without a shirt, or barefoot or wearing a tank top (or tube top or crop top), shorts or a hat.

(d) Restricted Areas

The following areas of the court premises are reserved for the exclusive use of the court staff:

- | | |
|------------------------------|---|
| (1) San Luis Obispo | The offices of the clerk of the court
Rooms 220 and 385, chambers, and
adjoining hallway. |
| (2) Grover Beach Branch | The office of the clerk (includes
criminal, civil, small claims) and
chambers. |
| (3) Paso Robles Branch | The office of the clerk (includes
criminal, civil, small claims) and
chambers. |
| (4) Juvenile Services Center | Chambers and Office of the Clerk of the Court |

These described areas are limited to the judiciary and court staff. Members of the public, law enforcement, attorneys and their staff and other individuals are specifically prohibited from entrance into these areas unless directed to enter by a staff member for the purpose of conducting court business. Court staff will be responsible for enforcing these restrictions by requesting anyone other than court staff to leave. Bailiffs of the court are to remove individuals who violate this court order and report violations to the presiding judges. (Subd. (d) amended eff. 7/1/1992)(Amended eff. 7/1/02)

CHAPTER 3

COURT CALENDARS AND DISTRIBUTION OF COURT BUSINESS

RULE 3.00

DISTRIBUTION OF BUSINESS BY PRESIDING JUDGE

The business of the court must be distributed by the presiding judge in accordance with Rules 205 through 208 of the California Rules of Court. (Amended eff. 7/1/02)

RULE 3.01

ASSIGNMENT OF CASES

~~Each case must upon filing be assigned in accordance with Rules 205 through 208 of the California Rules of Court and these Rules of Court.~~
(Repealed Effective 7/1/2002)

RULE 3.02

JUDGES' SUBMISSION LIST

Any judge, whether visiting, retired or pro tem, having a matter under submission for more than 80 days, including the presiding judge, must handle no further business until such matter is concluded and a decision is filed. This provision must be mandatory and followed without exception unless a majority of the judges specifically authorize otherwise.

The court clerk must maintain a list of all matters submitted for decision by each of the judges or judges pro tem of this court which must contain the name of the judge, the date of the order of submission, and the name and number of the case. This submission list must be revised not less than monthly and must be circulated to each judge. (Effec. 7/1/02)

RULE 3.03

COURT CALENDARS

~~(a) General Calendar~~

~~—The business of the court as distributed pursuant to these rules must be in accordance with a "general calendar" to be issued by the presiding judge stating the hours, days and places for the hearing of particular matters and any special requirements relating thereto. Copies of the calendar must be maintained by the Clerk of the Court for distribution to attorneys.~~
(Repealed Effective 7/1/2002)

(a) ~~(b)~~ Daily Calendar

The Clerk of the Court must post a daily civil court calendar at convenient locations at the beginning of each court day.

(b) ~~(c)~~ Civil and Family Law and Motion Calendars

The civil law and motion calendar must include but not be limited to orders to show cause, defaults, demurrers, discovery motions, motions on notice, matters involving receiverships, injunctions, supplemental proceedings and other matters which may be assigned. The family law and motion calendar must include domestic relations matters, custody, support, domestic violence, and all other related matters. Matters which, in the opinion of the court, cannot be accommodated on the law and motion calendar because of time constraints must be placed on the short cause calendar at the discretion of the court.

(c) ~~(d)~~ Special Settings

A judicial officer who presides over a calendar that is set for a specific time may set a calendar matter before himself or herself, or before another judicial officer, at such other time as may be set aside by the assigning judicial officer, or to the special set calendar of any other judicial officer. The court clerk must prepare and maintain a calendar of all such special settings. (Amended Effective 7/1/2001)

**CHAPTER 4.
COURT PLEADINGS, FORMS AND DOCUMENT FORMAT**

RULE 4.00

ORGANIZATION

Pleadings, documents, declarations and other papers, must comply with California Rules of Court. (Eff. 1/1/1998) *The latest version of applicable printed forms of petitions, orders and other documents approved by the Judicial Council must be used in all cases, unless otherwise permitted or directed by the court. If a form is inadequate for a given circumstance, an addendum may be attached to the form. When no applicable form has been so approved, counsel should draft their own documents.* (Amended effective 7/1/02)

RULE 4.01

SUBSTITUTION OF PARTY IN PRO PER

No substitution of a party in propria persona for an attorney of record representing him, whether by stipulation or order, shall be valid for any purpose unless the address of such party, where he may be served by mail, shall appear in the stipulation or order except as authorized by statutes dealing with the confidentiality requirements of Domestic Violence. See California Rule of Court 315 (b) and 376.

RULE 4.02

CONFORMED COPIES

When counsel requests copies of documents filed to be conformed and returned by mail, such request must be accompanied by a self-addressed and postage prepaid envelope. A maximum of two copies of all documents presented will be conformed. (Amended eff. 7/1/02)

RULE 4.03

PLEADINGS AND RECORDS IN AN EMINENT DOMAIN ACTION INVOLVING MORE THAN ONE PARCEL OF PROPERTY CONFORMED COPIES

(a) Pleadings

In an eminent domain action involving more than one parcel of property, the plaintiff's complaint must set forth, in addition to the matters required by Section 1250.310 of the Code of Civil Procedure, numbers or symbols to identify each of the parcels of the property. A defendant's answer, demurrer, or written appearance must set forth in the space below the number of the case and in parentheses, the parcel numbers or symbols that identify the property claimed by him.

(b) Copy of Pleadings

Within ten days after service of each defendant's pleading, the plaintiff must file a duplicate copy of his complaint, summons, lis pendens, and other pertinent documents. A defendant who claims more than one parcel of property must file a copy of his pleading for each parcel claimed by him. A copy of such pleading must be filed by the Clerk of the Court in the appropriate parcel files.

(c) Register

The Clerk of the Court must include in the register, opposite the name of each defendant, the numbers or symbols that identify the property in which he is alleged to have an interest.

(d) Parcel Files

The Clerk of the Court must file the pleading of each of the defendants in separate file folders following the file folder that contains the original complaint. All the file folders must have the same tab position and bear the number of the action. Following the number of the action, the file folder of each defendant must set forth the parcel numbers or symbols identifying the property claimed by him. Thereafter, all papers pertaining to that property must be filed in that file folder.

(e) Waiver of Requirements

The court may, for good cause shown, order any paper to be filed without a parcel number or symbol. (Amended eff. 7/1/02)

**CHAPTER 5.
COURT FILES AND EXHIBITS**

RULE 5.00**EXHIBITS****(a) Reproduction**

All exhibits attached to any pleading or document filed with the Court must comply with California Rules of Court, Sections 201 (b). and 311(b). Wherever the exhibit represents an original writing that has printing, typing, communication or representation on each side of the original, the exhibit should be composed of a separate reproduction, must be fastened in a sequence that is consistent with the order in which the originals would be read, and each reproduced page should be attached with the written portion facing upward so that it may be read when the preceding page is turned and in such manner that it will not be necessary to disconnect the entire pleading or document or to turn the file around.

(b) Foreign Languages

Exhibits written in a foreign language must be accompanied by a verified English translation.

(c) Incorporation by Reference

No pleading shall incorporate pleadings or other documents or portions thereof that are filed in another separate legal action without attaching a copy or setting forth the pertinent portion in the pleading that incorporates it.

(d) Numbering

Exhibits must be numbered, at the bottom of each page, as follows: Exhibit A, Page 1 of 4; Exhibit A, Page 2 of 4, etc.

(e) Tabs

The first page of each exhibit must be marked with a tab that protrudes from the page, at the bottom.

(f) Depositions, Interrogatories or Transcripts

Copies and/or portions of depositions, interrogatories or transcripts must not be filed or received except as provided for in Rules 7.03 and 7.04.

(g) Court Discretion

The court, in its discretion, may disregard any exhibit that does not comply with the above.

(h) Criminal Case Exhibits

Pursuant to section 1417.3 of the Penal Code, if an exhibit by its nature is severable and upon court order, the clerk must retain a portion of the exhibit not to exceed 3 lbs. by weight or 1 cubic foot by volume and return the balance of the exhibit to the district attorney or counsel offering the same. The clerk must substitute a full and complete photographic record of any exhibit or part of any exhibit which is returned to counsel. The party to whom the exhibit is being returned must provide the photographic record.

Whenever feasible, photographs, technical reports or identical dummy objects must be used in lieu of the original. All controlled substances received in evidence must be clearly labeled as to the type and amount of substance, preferably with the analyst's report on the outside of the envelope.

Exhibits, toxic by their nature, that pose a health hazard to humans must be introduced to the court in the form of a photographic record, if possible. Where the court finds that good cause exists to depart from this procedure, toxic exhibits may be brought into the courtroom and introduced. However, following introduction of the exhibit, the person previously in possession of the exhibit must take the responsibility for it and the court must not be required to store the exhibit.

Toxic exhibits must be defined to include, but not be limited to the following:

(1) Any container containing a flammable liquid such as gasoline, kerosene, lighter fluid, paint thinner, ethyl, ether, etc.

(2) Any type of explosive powder.

(3) Any explosive chemical such as a toluene, ethane, etc.

(4) Any explosive device such as a pipe bomb, hand grenade, etc.

(5) Any flammable device such as a Molotov cocktail.

(6) Any canister containing tear gas, mace, etc.

(7) Any corrosive liquid.

(8) Any rags soaked with any flammable liquid which are still damp or wet.

(9) Dry P.C.P. in other than an airtight plastic bag.

(10) Any liquid P.C.P.

(Amended eff. 7/1/02)

RULE 5.01**ENTRY OF COURT ORDER IN MINUTES**

In matters within the jurisdiction of the superior court the Clerk of the Court must keep minutes of court orders and must place a copy of each minute order in the court's file of actions in chronological order in lieu of a minute book as provided in Government Code Section 69844.7. Prior to the destruction of such records, the Clerk of the Court must cause a microfilmed copy thereof to be made as part of the permanent records of the court. (Amended eff. 7/1/02)

RULE 5.02**COURT RECORDS****(a) Removal of Papers**

No papers shall be removed from the files or replaced therein except by the Clerk of the Court. The Clerk of the Court must not deliver any papers filed except for purposes of inspection in the office of the Clerk of the Court, to the possession of any person other than an attache of the court unless so ordered by the court.

(b) Return of Exhibits

Except as otherwise provided herein no exhibits shall be released from the possession of the Clerk of the Court except on order of the court and the giving of a receipt therefor. (Amended eff. 7/1/02)

RULE 5.03**PRIORITY FILING SYSTEM**

It must be the duty of counsel, in all documents presented for filing as part of the official Court file, to indicate the date and time of any pending court trial or hearing to which the documents may be pertinent, or to specify that there is no hearing date or trial date set, directly below the caption describing the nature of the document.

When filing a proof of service that pertains to a particular hearing date, a face sheet must be attached that shows the department, hearing date and time.

The Clerk of the Court must process court filings on a priority basis, insuring that all documents are properly entered and filed in the appropriate court file with all due promptness following receipt. The Clerk of the Court must further give all necessary processing priority to documents with pending court trial or hearing dates, insuring that documents reach the court file prior to delivery of the file to the court for hearing, or as soon thereafter as is reasonably possible in consideration of the date of receipt. (Amended eff. 7/1/02)

RULE 5.05**REMOVAL OF EXHIBITS**

By order of a judge, commissioner, juvenile court referee or juvenile court traffic hearing officer of this court, any exhibit may be returned by the court clerk to the witness or party by whom it was produced after the substitution of a photostatic copy therefor; provided, however, that such order may dispense with such substitution in the case of an original record, paper or object taken from the custody of a public officer which is being returned to such officer, or in the case of an exhibit used only in making proof against a party whose default has been entered, or when a photostatic copy is impracticable, in which case a receipt must be given, or when a written stipulation of all the parties consenting thereto is filed. (Amended eff. 7/1/02)

RULE 5.06**REMOVAL OF FILES**

No files shall be removed from the possession of the clerk unless permitted by order of the court. All files in the courtroom must remain in the possession of the clerk unless ordered by the court. (Amended eff. 7/1/02)

**CHAPTER 6
BONDS AND UNDERTAKINGS**

RULE 6.00**ENDORSEMENT BY CLERK**

No bond or undertaking with a corporation as surety thereon shall be accepted or approved unless at the time such bond or undertaking is presented for approval it must first have been presented to and endorsed by the Clerk of the Court as complying with the prerequisites to acceptance as set forth in Rule 381 of the California Rules of Court.

**CHAPTER 7
CIVIL (LAW AND MOTION) HEARINGS PROCEDURES**

RULE 7.00**CALIFORNIA RULES OF COURT**

The provisions of California Rules of Court, are expressly applicable to law and motion practice in the Superior Court of California, County of San Luis Obispo. Particular attention should be paid to the mandatory time requirements of Rules 317(a), 317(b), 323(a), 325(b), 325(e), 325(g), 326, 351(a), 351(b), 359, 373(a), 373(b), 373(c), 373(d), and 377. (Eff. 1/1/1998)

RULE 7.01**DEMURRER/MOTION TO STRIKE**

The face sheet must show the date of filing of the Complaint or Cross-Complaint to which it is directed, to enable the Court to find it in a multi-volume file. See California rule of Court 325, subd. (a) and (c).

RULE 7.02**FILING PAPERS**

All moving papers should be stapled together, drilled for Acco fastening, with the notice of motion on top. It is not necessary for attached declarations and points and authorities to have full headings and captions. It will suffice for them to be entitled "Declaration of John Jones" or "Memorandum of Points and Authorities," on line one. The notice of motion should identify all documents attached thereto; for example, "Notice of Motion for Change of Venue, Declaration of John Jones, and Memorandum of Points and Authorities." See California Rule of Court 311. Failure to comply with Rule 311, subd. (b) may result in the paper reaching Legal Research too late for consideration.

RULE 7.03**POINTS AND AUTHORITIES**

See California Rule of Court 313. (Eff. 1/1/1998)

RULE 7.04**HANDLING AND RETURN OF EXHIBITS**

Depositions and exhibit packages prepared pursuant to Rule 7.03, above, will be received and retained without filing by the clerk of the court. Counsel submitting such documents must indicate in the caption or on the face page if they are to be returned or in the alternative destroyed when the motion has been resolved. Counsel submitting such documents must include a postage prepaid self-addressed envelope with which to return the exhibits.

After resolution of the motion, all exhibits so retained must be returned by the clerk to the party submitting them or destroyed if a postage prepaid self-addressed envelope was not provided. If the motion was resolved after opposition, the clerk must hold the documents for the applicable period within which a party may request review of the court's ruling, not to exceed sixty-one (61) days. If review is sought, the clerk must further retain such documents until the review process has concluded.

Any party to the motion proceeding may orally move the court at time of the hearing to file the exhibits, or any of them, and, upon a showing of good cause, such motion will be granted. (Amended eff. 7/1/02)

RULE 7.05**INCOMPLETE MOTIONS**

No motion, demurrer or petition will be heard unless accompanied by the papers upon which it is made or unless such papers have previously been filed and are so identified in the moving document. Every such matter filed without any supporting papers and which is based on declarations, affidavits and points and authorities to be filed after the initial notice is filed may be summarily placed off calendar. The moving party may not file any subsequent supporting papers which contain new facts or arguments; however, moving party may file papers which rebut the opposition, in compliance with California Rule of Court 317(a). (Amended eff. 7/1/02)

RULE 7.06**CONTINUANCES**

(a) The Court Attorney receives all of the law and motion files for calendared matters approximately six (6) days preceding the hearing date. The Court Attorney must be notified by telephone as soon as possible when a matter is to be continued or placed off calendar in order to avoid unnecessary review.

(b) Requests to continue or place a matter off calendar should be directed to the clerk's office.

(c) All continuance or off-calendar requests must be made by the moving party, and must be with the agreement of the opposing party. A stipulation for a continuance must be filed prior to the continued date. A "Notice of Continuance," not signed by both parties, has no effect. A non-stipulated continuance will be granted only on noticed motion, made on an order shortening time.

(d) A Notice of Continuance of a Law and Motion matter must be filed more than two (2) court days prior to the scheduled hearing. After that time, leave of the judge presiding in the Law and Motion department must be obtained in order for any continuance to occur. Absent such leave, the matter will be heard and decided or ordered off calendar at the time scheduled for the hearing. (Amended effective 7/1/02)

RULE 7.07**RESTORATION TO CALENDAR**

A law and motion matter that has gone off calendar may be restored thereto only upon noticed motion except in an extraordinary situation to be determined by the court in its discretion.

RULE 7.08**EVIDENCE**

All evidence in a law and motion matter must be presented by verified pleadings, affidavits and declarations unless the court, on notice and for good cause shown, shall order the taking of oral evidence; in which case, the matter may be specially set for hearing by the clerk. CCP Section 2002. California Rule of Court 323. (Amended eff. 7/1/02)

RULE 7.09**LENGTHY HEARING**

A hearing estimated to take more than 30 minutes must be specially set by the clerk unless the judge hearing the calendar orders otherwise. (Amended eff. 7/1/02)

RULE 7.10**DISCOVERY**

Discovery motions must be governed by Part 2 of Chapter 4 of Division II, California Rules of Court, commencing with Rule 331. (Amended eff. 7/1/02)

RULE 7.11**CONSOLIDATION**

(Repealed Effective 7/1/2001)

RULE 7.12**WITHDRAWAL OF ATTORNEY**

A proposed order that complies with California Rule of Court 376(d) must be lodged with the clerk, for placement in the court file, at the time of filing the moving papers. (Amended eff. 7/1/02)

RULE 7.13**TELEPHONIC APPEARANCES****A. Program Overview**

1. The CourtCall Telephonic Appearance Program ("CourtCall") organizes a procedure for telephonic appearance by attorneys as a reasonable alternative to personal appearances in appropriate cases and situations. CourtCall is fully voluntary and no attorney is required to utilize CourtCall. Rather, CourtCall is available at a reasonable fixed fee to use when circumstances are appropriate.

2. Designated courts conduct hearings on calendar in the usual manner, with the only difference being that hearing order preference is given to cases with CourtCall Appearances, unless the court exercises its discretion to call cases in a different order.

3. Hearings are conducted in open court or in private as the Court may designate. All attorneys making CourtCall Appearances call a designated toll free teleconference number a few minutes before the calendar is scheduled, to check in with the clerk. Attorneys remain on the court's speaker phone-telephone line and hear the same business that those present in the court may be hearing. Attorneys not participating telephonically appear in person. The court calls cases

for hearing. All attorneys on a case participate in the hearing. All present in the courtroom hear the discourse of those making CourtCall Appearances.

4. CourtCall Appearances are scheduled, in writing, in advance, by counsel serving on all other counsel and pro-se parties and delivering (via fax, mail, or personal delivery) to CourtCall, LLC, not less than five (5) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall appearance.

B. Participation in CourtCall Appearances

1. Courts

(a) Judges and Commissioners may volunteer to participate in CourtCall. Each participating court must give calendar hearing order preference to cases which include attorneys making CourtCall appearances, except under unusual circumstances as determined by the court.

(b) Subject to the court's right to amend this list, the following matters are currently deemed unsuitable for CourtCall appearances.

1. Judgment Debtor Examinations
2. Mandatory Settlement Conferences;
3. Hearings at which oral testimony may be presented;
4. Hearings in which oral argument is anticipated to exceed 15 minutes.

(c) The court reserves the right, at any time, to reject any Request for CourtCall appearance. When the court rejects a request, it must order a refund of deposited telephonic appearances fees and notify CourtCall, LLC.

(d) The court shall also reserve the right to halt the telephonic hearing on any matter and order the attorneys to personally appear at a later date and time, in which case no refund is permitted.

(e) If a matter is continued prior to the actual hearing date the prior filing of a Request for CourtCall appearance form must remain valid for the continued date of the hearing.

(f) Existing rules and procedures regarding the making of the record by a court reporter or electronic device or obtaining a transcript after the hearing must apply to hearings at which CourtCall appearances are made. No recordings may be made or telephonic appearances except in compliance with California Rule of Court 980.

2. Attorneys

(a) Attorneys electing to make a CourtCall appearance must serve on all other parties in the case the Request for CourtCall appearance form, fax a copy of the form to CourtCall, LLC and pay the CourtCall appearance fee in the method prescribed, not less than five court days before the hearing date.

(b) When the Request for CourtCall appearance is made at the same time as the filing of the hearing document or response, in addition to the Request for CourtCall appearance form, the words "CourtCall Appearance Requested" must be printed below the department, date, and time of the hearing on the first page of the papers filed with the court.

C. Appearance Procedure

1. An attorney making a CourtCall appearance must:

- a. Eliminate to the greatest extent possible all ambient noise from the attorney's location;
- b. Be required, during the attorney's appearance, to speak directly into the telephone handset;
- c. Not call in with cellular or cordless telephone devices or through a personal computer.

2. An attorney making a CourtCall appearance must call the court's designated toll free teleconference line approximately 5 minutes prior to the scheduled hearing time and check in with the clerk. An attorney calling after the check-in period must be considered to be late for the hearing and must be treated by the Court in the same manner as if the attorney had personally appeared late for the hearing.

3. An attorney appearing telephonically must state his or her name for the record each time the attorney speaks and must participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. An attorney must not utilize the "hold" button, as it is not within the policy of the Court to wait for an attorney to rejoin the line.

D. Telephonic Appearances in Branch Courts are not covered by CourtCall. Permission must be obtained from the judge presiding there. Such permission may be requested by letter, received by the court no later than five (5) business days prior to the hearing. The judicial officer presiding there will rule on such request no later than noon of the third business day prior to the appearance and will specify such conditions as are appropriate. (Amended Effective 7/1/2002)

RULE 7.14

SUMMARY JUDGMENT/SUMMARY ADJUDICATION OF ISSUES

(Repealed Effective 7/1/2001; See CRC 342)

RULE 7.15

FAILURE TO COMPLY WITH CHAPTER 7 RULES

Pursuant to the provision of California Code of Civil Procedure Section 575.2 and the rule making authority of this court, in the event that any attorney, or any party represented by counsel or any party appearing in propria persona fails to comply with any of the requirements of Chapter 7 or any order made pursuant to the rules set forth therein, the court may, upon motion of another party or upon its own motion, do any one or more of the following:

1. Strike out all or any part of any pleading of that party;
2. Dismiss the action or proceeding or any part thereof;
3. Enter a judgment by default against that party;
4. Impose other penalties of a lesser nature as otherwise provided by law;
5. Order attorney fees and/or costs incurred by other parties unnecessarily as a result of the failure of the party or his or her attorney to comply with these rules to be paid by the party and or his or her attorney;
6. Order that party or his or her attorney to pay the moving party the reasonable expenses in making the motion, including reasonable attorney fees.
7. Order that party or his or her attorney to pay to the court the reasonable expenses of the court. (Amended Effective 7/1/2002)

RULE 7.16**ADMINISTRATIVE MANDAMUS PROCEDURES**

Unless the administrative record is lodged in compliance with California Rules of Court, rule 347, the scheduled hearing in a case brought under Code of Civil Procedure, section 1094.5, will be ordered off calendar. The pages of the administrative record must be numbered consecutively. Any references to the administrative record in either the supporting or opposing points and authorities must include an appropriate reference to a specific page or pages of the record. (Amended eff. 7/1/02)

RULE 7.17**REPORTING OF PROCEEDINGS**

(a) The court does not provide for regular reporting of hearings on motions on the civil law and motion calendar.

(b) Any party requesting the reporting of a law and motion hearing must make a telephone request to the ~~superior court secretary~~ *supervising court reporter* no earlier than 48 hours nor later than 24 hours prior to the hearing date. Certified Shorthand Reporters' fees of \$112.50 for a minimum one-half day appearance must be paid to the ~~Clerk of the Civil Law and Motion Department in which the hearing is held~~ *The Jury Commissioner's Office* prior to the reporting of the hearing. Said fees may be apportioned by stipulation of counsel. Government Code section 68086(A)(1). (Amended eff. 7/1/02)

RULE 7.18**DEFAULT SETTINGS**

When a default hearing is required for judgment, such as where service is by publication or attorneys fees are sought pursuant to contract, such hearing must be requested using the local form. (Amended Effective 7/1/2002)

RULE 7.19**ORDERS AFTER HEARING**

Except as noted in Rule 7.12, all orders must be submitted to the civil division, Room 385, after the hearing. The date, time and department must be in the caption of the order. Orders must be in compliance with the California Rules of Court, Rule 391. The judge's name must appear below the signature line and at least two lines of text must be on the signature page. (Amended Effective 7/1/2002)

RULE 7.20**NOTICE OF RULING**

A conformed copy of the order must not be attached as an exhibit to any notice of ruling filed with the court. (Eff. 1/1/1998)(Amended eff. 7/1/02)

CHAPTER 8**MANDATORY CIVIL SETTLEMENT CONFERENCES****RULE 8.00****PERSONS REQUIRED TO ATTEND AND PARTICIPATE**

~~Unless excused by the court, civil settlement conference attendance must be mandatory for all attorneys who are to try the case and who have full authority to act in all matters pertaining to the case and all parties necessary to negotiate settlement, including insurance claims representatives, with plenary authority to dispose of the entire matter. The only exceptions must occur with the consent of the judge presiding upon written application in the hands of the court no later than~~

seven days prior to the conference. Rule 222, California Rules of Court applies to all mandatory civil settlement conferences. In addition, the participants must have with them copies of all their medical and hospital bills and other documentary evidence pertaining to special damages claimed. (Amended Effective 7/1/2001)
(Repealed effective 7/1/2002)

RULE 8.01

MANDATORY SETTLEMENT CONFERENCE

~~(a) **Persons Attending:** Trial counsel, parties, and persons with authority to settle the case must personally attend the conference, unless excused by the court. Request to excuse parties from attending the conference must be made to the court in writing no later than five days before the conference.~~

~~(b) **Settlement Conference Statement:** No later than five days before the date set for the settlement conference, each party must file and serve on each party a settlement conference statement.~~

~~(c) Each party claiming damages must include in the statement a settlement demand and an itemization of special and general damages as required by Rule 222(d) of the California Rules of Court. Each other party must set forth its position in monetary terms.~~

~~(d) The statements must follow the form and contain the captions and information specified in this rule. The date and time of the hearing and the department number must be typed on the face sheet of the statement.~~

~~(1) **Party Submitting Statement**~~

~~The name of the party or parties in whose behalf the statement is filed.~~

~~(2) **Facts**~~

~~Each cause of action must be summarized concisely and the facts supporting the cause of action must be stated. Damages must be itemized. General and specific damages must be set forth and the facts underlying the defense must be stated. The relief sought must be specifically set forth.~~

~~(3) **Special Factual Information in Certain Actions**~~

~~In personal injury, wrongful death, contract actions and marital dissolution cases, the settlement conference statement must include the following:~~

~~a. **Personal Injury and Wrongful Death Cases**~~

~~Plaintiff must set forth: acts of negligence claimed; specific laws and regulations alleged to have been violated; a statement if the doctrine of res ipsa loquitur is relied upon with the basis for such reliance; a detailed list of personal injuries claimed, including the nature, extent and permanence thereof; the age of the plaintiff; an itemized statement of all special damages to date, such as medical, hospital, nursing, etc., expenses, with the amount and to whom paid; a detailed statement of loss of earnings claimed; and a detailed list of any property damage. Plaintiff must attach a copy of the most recent medical reports. The defendant must prepare a statement, setting forth acts of comparative negligence claimed, specific laws and regulations alleged to have been violated by plaintiff, and attach a copy of the most recent defense medical reports. The parties must each state the settlement demands and offers exchanged by the parties prior to the mandatory settlement conference.~~

~~In wrongful death cases, plaintiff must set forth further information as follows: decedent's date of birth, marital status (including age of surviving spouse), employment for five years before date of death, rate of earnings for five years prior to date of death, life expectancy under the mortality tables, general physical condition immediately prior to date of death, the names, dates of birth and relationship of decedent's dependents.~~

~~b. **Contract Cases**~~

~~The parties must each set forth: whether the contract relied upon was oral or in writing, specifying the writing, the date thereof and the parties thereto; the terms of the contract which were relied on by the party; any collateral oral agreement, if claimed, and the terms thereof; any misrepresentations of facts alleged; an itemization of damages claimed to have resulted from any alleged breach, the source of such information, how computed, and the identity claimed; whether modification of the contract or waiver of covenant is claimed, and if so, what modification or waiver and how accomplished.~~

~~c. **Marital Dissolution Cases**~~

~~The parties must set forth: date of marriage; date of separation; minor children of the marriage and dates of birth; suggested custody and visitation rights; suggested child support; suggested spousal support, community property and obligations; suggested division of community property and provision of equalization; requested attorney's fees and cost; requested confirmation of separate property; and requested restraining and miscellaneous orders.~~

~~d. **Other Classification**~~

~~In all other classifications, each side must prepare an appropriate summary of the elements of their case and the elements of monetary damages, if any, claimed by the party filing the statement, and the kind and general terms of any other kind of relief prayed for by such party.~~

~~e. Each party must state whether any offer to compromise pursuant to the provisions of California Code of Civil Procedure section 998 has been tendered and if so, by whom, the amount of the offer and/or conditions thereof and when the offer was made. The parties~~

~~must each state the settlement demands and offers exchanged by the parties prior to the mandatory settlement conference. (Eff. 1/1/1998)~~
(Repealed Effective 7/1/2002)

RULE 8.03
SANCTIONS
(Repealed Effective 7/1/2001)

CHAPTER 9
CIVIL TRIAL CALENDAR POLICIES AND PROCEDURES

RULE 9.00
CASE MANAGEMENT AND DISPOSITION POLICIES

(a) In accordance with Government Code Section 68607, it is the policy of the court to manage all cases from the time the complaint is filed until a final disposition has been achieved. It is the policy of the court to assign civil cases to one judge for all purposes at the time the complaint of first pleading is filed. It is also the policy of the court to promote early dispositions through alternative dispute resolution techniques.

(b) It is the policy of this court to follow the case-disposition goals set forth in Sections 2.1 and 2.3 of the Standards of Judicial Administration. All cases will be assigned to one of the following case management plans based upon the factors set forth in these rules:

1. Plan 1: 90% of all cases must be disposed of within 12 months from the date the complaint is filed;
2. Plan 2: 98% of all cases must be disposed of within 18 months from the date the complaint is filed; and
3. Plan 3: 100% of all cases must be disposed of within 24 months from the date the complaint is filed.

(c) **Continuances:** It is the policy of this court that when a matter has been calendared, the date may not be changed without a showing of good cause. Court hearings and appearances are appointments with the court and may not be changed without the consent of the judicial officer assigned to manage the case. Continuances of law and motion matters must be managed by the court attorneys. The court clerk is not authorized to continue a matter or take off calendar, except by direction of the judicial officer assigned to the case.

(d) **Modifications:** Nothing in these rules shall be interpreted to prevent the court from issuing an order modifying the application of the above policies if the interest of justice require the modification. (Amended Effective 7/1/2002)

RULE 9.01
CASE EXEMPT FROM CIVIL CASE MANAGEMENT

These rules shall not apply to ~~proceedings as defined in CRC 207(b). family law proceedings, uniform child custody or support proceedings, probate, guardianship and conservatorship proceedings, writs, small claims cases, possession issues in unlawful detainer cases (all other issues are subject to case management) and criminal cases. (Eff. 7/1/00) (Amended eff. 7/1/2002)~~

RULE 9.02
UNINSURED MOTORIST CASES

A. Temporary Exemption From Fast Track: When plaintiff's counsel determines that the defendant is an uninsured motorist and that an uninsured motorist claim will be made against the plaintiff's insurer, a declaration captioned "Request for Temporary Exemption - Uninsured Motorist Case" must be filed which sets forth the following:

1. A statement that the plaintiff has uninsured motorist's coverage;
2. The name of the insurer and the limits of the coverage; and
3. A statement that counsel believes that the limits of coverage are adequate to compensate for known losses or damage, that plaintiff will promptly pursue the remedies provided by the insurance contract and that it is counsel's intention to assign the claim to the insurer or dismiss the pending action upon conclusion of the uninsured motorist claim.

B. Resolution Required Within One Year: In any case designated as an Uninsured Motorist case, the plaintiff and the plaintiff's insurer must settle or arbitrate the dispute ~~within 12 months. The case must be calendared for an OSC re Dismissal in the 12th month after the complaint was filed. 180 days after the designation. (Amended eff. 7/1/2002)~~

- **C. Binding Arbitration:** When the court orders binding arbitration in an uninsured motorist case, the court will dismiss the action reserving the court's jurisdiction to enforce the order referring the matter to arbitration and to confirm or vacate the arbitrator's award. (Amended Eff. 7/1/02)

RULE 9.03

SANCTIONS FOR FAILURE TO COMPLY WITH LOCAL RULES

A. Except for good cause shown, sanctions may be imposed upon any person who:

1. Fails to comply with any local rule or order of the court, other than a prior order to pay sanctions; or
2. Fails to submit any form or report required by the court; or
3. Fails to appear at any case management conference or any other scheduled event; or court-ordered arbitration.

B. Sanctions may include, but are not limited to, payment of monetary sanctions to the court, payment of the opposing party's reasonable expenses and attorney's fees, dismissal of the action or striking an answer and entering a default. (Amended Effective 7/1/2002)

RULE 9.04**WAIVER OF RULES**

(A) No procedure or deadline established by these rules or by court order may be waived or extended by stipulation or agreement of the parties unless the waiver or extension is permitted by Government Code section 68616 or by the court.

(B) Any party may seek relief from any procedure or deadline imposed by these rules or court order by filing a noticed motion describing the relief sought and the facts upon which the application is based. The motion must be supported by appropriate declarations showing the factual basis for the motion and that injustice to a party will result if the relief is not granted. (Amended Eff. 7/1/02)

RULE 9.05**LAW AND MOTION**

A. Unless otherwise ordered, all noticed or ex-parte motions must be presented to the judge to whom the case has been assigned for all purposes.

B. The court attorneys will receive all law and motion matters approximately seven days preceding the hearing date. To avoid wasting the time of the court attorneys, the court must be notified as soon as possible if a law and motion matter is to be continued or placed off calendar.

C. Any request to continue a law and motion matter must be made by the moving party with the agreement of the opposing party. The court may, in its discretion, grant or deny the parties' request to continue a law and motion matter. (Amended Effective 7/1/2002)

RULE 9.06**PRELITIGATION MEDIATION (Reserved)****RULE 9.07****MEDIATION**

A. The court may, where appropriate, order the parties to participate in mediation before a neutral mediator appointed or approved by the court. Evidence Code sections 1115 et seq. shall govern the proceedings.

1. Mediators must be selected by the parties from a list of mediators provided by the court.
2. Within 20 days from the date the court orders mediation, the plaintiff must file a Notice of Mediation in the form annexed to these Rules.
3. Within 10 days from the date the mediation has been completed, the mediator must file a Report of Mediator in the form annexed to these Rules.
4. The mediator's fees must be divided equally by the parties, or as the parties may agree.

B. The following persons are required to attend court-ordered mediation:

1. The parties;
2. The parties attorneys;
3. The insurer's representatives who have authority to settle for any amount up to the limits of the policy;
4. Any other persons whose consent or authority is necessary to resolve the disputed issues.

There shall be no exceptions to these requirements. Access by telephone is not compliance with these orders.

C. The mediation or early settlement conference must be concluded within the time set by the court at the first ~~Status/ADR Assessment Conference~~. *Case Management Conference*. The mediation may be continued one time by agreement of the parties and the mediator without court order provided:

1. The continuance is for no more than 20 days from the date the mediation was originally scheduled;
2. All parties and the mediator agree on the new date;

3. The party requesting the continuance serves and files a declaration under penalty or perjury stating that all parties have agreed to the continuance and the reasons for the continuance;

4. The reasons for the continuance comply with the standards for good cause set forth in Section 9 of the Standards for Judicial Administration. The desire to conduct further discovery must not generally constitute good cause absent special circumstances.

D. The parties must comply with the directives of the neutral mediator in regard to briefing and the payment of fees and costs. When the mediator is a judicial officer of the court, a mediation brief must be presented no later than five (5) court days in advance of the mediation; it must be on pleading paper and not exceed four (4) pages, without exhibits.

E. The parties may request mediation at any stage of the proceedings. Such requests should be directed to the judge assigned for all purposes. (Amended Effective 7/1/2002)

RULE 9.08

JUDICIAL ARBITRATION

A. The court may order the parties to participate in non-binding judicial arbitration before a neutral arbitrator appointed by the court. Matters referred to non-binding judicial arbitration must be conducted in the manner set forth in California Rules of Court et. seq.

B. The Court does not have an administrative committee. The Presiding Judge, per Rule 1603(c), performs the functions and has the power of an administrative committee. (Amended Effective 7/1/2001)

RULE 9.09

SETTLEMENTS

~~(A) It is the duty of counsel to inform the court of any case that has been settled.~~

~~(B) Conditional Settlements: A Notice of Conditional Settlement must be filed and must specify the date dismissal is to be filed.~~

~~(C) Unconditional Settlements: If the parties notify the court that a matter has been unconditionally settled, or if the case is settled orally on the record before the court, the court will vacate any hearing dates, vacate the trial date and mandatory settlement conference date and order the matter dismissed on a date certain unless a motion is filed to amend or vacate the order. The court will order the parties to comply with the executory provisions of the settlement and reserve personal and subject matter jurisdiction pursuant to Code of Civil Procedure section 664.6 to supervise and enforce the settlement.~~
(Repealed 7/1/2002)

(A) ~~(D)~~ **Binding Arbitration:** When the parties stipulate to binding arbitration, the case must be dismissed. The court will reserve personal and subject matter jurisdiction to enforce the terms of the arbitration agreement and to enter a judgment confirming the arbitration award. (Amended Effective 7/1/2002)

RULE 9.10

CIVIL CASE MANAGEMENT POLICY

(Repealed Effective 7/1/2001)

RULE 9.11

FORMS TO BE ISSUED BY THE CLERK WHEN THE COMPLAINT IS FILED

A. The Clerk must provide the following forms to the plaintiff when the complaint or initial pleading is filed:

1. Civil Case Management Policy Statement
2. ~~Notice of First Status/ADR Assessment Conference~~ *Case Management Conference*
3. ~~Status/ADR Assessment Conference Questionnaire~~ *Case Management Statement*
4. ADR Policy Statement

B. The clerk must assign the case to a judge for all purposes and must calendar a ~~Status/ADR Assessment Conference/Trial Setting~~ *Case Management Conference* approximately 140 days later. (Amended eff. 7/1/2002)

RULE 9.12

SERVICE OF SUMMONS AND COMPLAINT

A. The plaintiff must serve the Summons and Complaint on all defendants within ~~50~~ 60 days. The following documents must be attached to the complaint or served at the same time the complaint is served:

1. Civil Case Management Policy Statement;
2. Notice of ~~First Status/ADR Assessment/Trial Setting~~ *Case Management Conference*;
3. A blank ~~Status/ADR Assessment Conference Questionnaire~~; *Case Management Statement*; and
4. The court's ADR Policy Statement.

B. A Proof of Service must be filed with the court within ten days after the complaint is served on any defendant unless a responsive pleading has been filed.

C. The following documents must be attached to and served with any cross complaint that names new parties:

1. Civil Case Management Policy Statement;
2. Notice of ~~First Status/ADR Assessment/Trial Setting~~ *Case Management* Conference;
3. A blank ~~Status/ADR Assessment Conference Questionnaire~~ *Case Management Statement*; and
4. ADR Policy Statement. (Amended eff. 7/1/2002)

RULE 9.13

CASES TRANSFERRED FROM OTHER JURISDICTIONS

A. Upon receipt of the file, the Clerk must assign the case to a judge for all purposes and must provide the plaintiff with a copy of the court's Civil Case Management Policy Statement, a Notice of ~~First Status/ADR Assessment/Trial Setting~~ *Case Management* Conference, a ~~Status/ADR Assessment Conference Questionnaire~~ *Case Management Statement*, and the court's ADR Policy Statement.

B. Upon receipt of the documents listed in 9.13A, the plaintiff must serve a copy of each document upon each other party to the action. Plaintiff must file a certificate that the documents were served on each defendant within 10 days of receipt of the documents from the clerk.

C. If the case was transferred from another jurisdiction, a ~~Status/ADR Assessment/Trial Setting Conference~~ *Case Management Conference* will be set within 45 days from the filing of the action in this court. (Amended eff. 7/1/2002)

RULE 9.14

RESPONSIVE PLEADINGS

A. Each party served must file and serve responsive pleadings within the time required by law. The parties may stipulate to an extension of not more than fifteen days beyond the date the response would otherwise be due.

B. Entry of Default.

1. Plaintiff is required within ten days after the time for filing a responsive pleading to request the entry of a non-responding party's default.

2. Default hearings and judgments need not be pursued in multi-defendant cases until the entire action against all responding defendants has concluded.

3. Parties may set aside a default by filing a stipulation and proposed order. An answer or other responsive pleading must be attached to the stipulation. (Eff. 7/1/02)

RULE 9.15

STATUS/ADR ASSESSMENT/TRIAL SETTING CONFERENCE

A. The parties must confer in regard to case management issues no later than 30 days prior to the ~~Status/ADR Assessment/Trial Setting~~ *Case Management* Conference (CRC 212, 512).

B. Each party must file and serve a completed ~~Status/ADR Assessment Conference Questionnaire~~ *Case Management Statement* ~~five fifteen court~~ days before the ~~first Status/ADR Assessment/Trial Setting Conference~~. If the questionnaire is filed less than ~~five fifteen court~~ days before the conference, a sanction will be imposed (CRC 212, 512).

C. Counsel must confer with their clients in regard to ADR prior to the conference. Counsel must be able to represent to the court whether mediation and/or arbitration is acceptable to their clients.

D. At the first ~~Status/ADR Assessment/Trial Setting~~ *Case Management* Conference, the court must assign the case to a case management plan by applying the factors listed in Rule 9.18. The court must also make other pretrial orders to facilitate the cost-effective resolution of the case. The orders may include the following:

1. Defendants and cross defendants, other than fictitiously-named defendants, who have not been served or appeared may be dismissed unless their default has been requested. The court for good cause may permit service of such defendants or cross defendants by a date certain.

2. It is the policy of the court to encourage and facilitate mediation of litigated disputes by trained and experienced neutral mediators. The court must make orders on stipulations to mediation by an approved mediator. The order must identify the mediator and the time within which the mediation must be completed. A second *Case Management Status* Conference may be set to review the result of the mediation.

3. The court must make orders on stipulations to bindings arbitration or non-binding judicial arbitration. The court order must identify the arbitrator and the time within which the arbitration must be completed. A second *Case Management Status* Conference may be set to review the result of the arbitration.

4. The court must consider bifurcating or severing issues or causes of action and consolidating related cases.

5. The court must consider establishing a discovery plan that regulates the scope, timing and deadlines for completing discovery.

6. The court may make orders scheduling the exchange of information relating to expert witnesses under C.C.P. § 2034 and dispositions of expert witnesses unless the parties stipulate that no expert witnesses will be called to testify. The court will closely examine any claim that multiple experts are required.

7. The court may make orders scheduling the completion of law and motion matters contemplated by the parties. The trial date will not be adjusted to accommodate law and motion matters.

8. The court may make orders scheduling further ~~status~~ Case Management Conferences

E. Counsel who appear at the first ~~Status/ADR Assessment/Trial Setting~~ Case Management Conference must be familiar with the case and must be prepared to discuss case management issues. Counsel must have authority to agree to and select a mediator or arbitrator from the list of neutral mediators and arbitrators approved by the court. Counsel who fail to attend the case management conferences must be subject to one or more of the sanctions outlined in Rule 9.03.

F. A trial date may be assigned at either the first or the second ~~Status~~ Case Management Conference. The date will be in the 12th month following the date the complaint was filed. A date for a mandatory settlement conference will also be set in the 11th month following the date the complaint was filed. (Amended eff. 7/1/2002)

RULE 9.16

SETTLEMENT CONFERENCE

(Repealed Effective 7/1/2001)

RULE 9.17

PRETRIAL PROCEDURES AND REQUIREMENTS

(Repealed and Renumbered as 27.02 Effective 7/1/2001)

RULE 9.18

CASE EVALUATION FACTORS FOR CASE MANAGEMENT PLANS

The court must estimate the maximum time that will reasonably be required to dispose of each case in a just and effective manner. The court may reclassify the case to be a "Limited Jurisdiction Civil Case" and order the case managed under the rules applicable to such cases. The court must consider the following factors, and any other information the court deems relevant, understanding that no one factor or set of factors shall be controlling and that cases may have unique characteristics incapable of precise definition:

1. Type and subject matter of the action;
2. Number of causes of action or affirmative defenses alleged;
3. Number of parties with separate interests;
4. Number of cross complaints and the subject matter;
5. Complexity of issues, including issues of first impression;
6. Difficulty in identifying locating and serving parties;
7. Nature and extent of discovery anticipated;
8. Number and location of percipient and expert witnesses;
9. Estimated length of the trial;
10. Likelihood that some or all issues can be mediated or arbitrated;
11. Statutory priority for the issues;
12. Likelihood of review by writ or appeal;
13. Amount in controversy and the type of remedy sought;
14. Pendency of other actions or proceedings which may affect the case;
15. Nature and extent of the law and motion proceedings anticipated;
16. Nature and extent of the injuries and damages;
17. Pendency of underinsured motorist claims;
18. Any other factor that could affect the timely and cost-effective disposition of the

case. (Amended eff. 7/1/02)

RULE 9.19

LIMITED CIVIL CASES

A. Limited civil cases filed in branch courts must be assigned for all purposes to the judge assigned to the branch court.

B. Court trials of limited civil cases must be held in the branch courts.

C. Jury trials of limited civil cases must be reassigned for trial in San Luis Obispo.

D. Limited civil cases must be generally managed in the manner set forth in these rules. Either party may request that the matter be set for trial at any time during the pendency of the action. (Eff. 7/1/02)

RULE 9.20

DECLARATION OF UNINSURED MOTORIST STATUS
(Repealed Effective 7/1/2001)

RULE 9.21
ALTERNATIVE DISPUTE RESOLUTION
(Repealed Effective 7/1/2001)

RULE 9.22
EXEMPTION FROM DELAY REDUCTION PROGRAM
(Repealed Effective 7/1/2001)

RULE 9.23
TRIAL SETTING CONFERENCE
(Repealed Effective 7/1/2001)

RULE 9.24
DIFFERENTIAL CASE MANAGEMENT RULES

(a) As required by California Rule of Court ~~2102~~ 206, the following differential case management rules must apply. Disposition under the following case-management plans must be from the date of filing:

- (1) Plan One, disposition within 12 months;
- (2) Plan Two, disposition within 18 months;
- (3) Plan Three, disposition within 24 months.

It is presumed that all cases are subject to the disposition goal under case-management Plan One when the case is filed. The Court may modify the assigned case-management plan at any time for good cause shown.

(b) The court may in the interest of justice exempt a general civil case from the case-disposition time goals if it finds the case to be complex within the meaning of California Rules of Court 1800 et. seq. and that exceptional circumstances are involved that will prevent the court and the parties from meeting the goals and deadlines imposed by the program. (Amended Effective 7/1/2002)

RULE 9.25
CASE PROCESSING TIME STANDARDS
(Repealed Effective 7/1/2001)

RULE 9.26
CONTINUANCE POLICY

Change of trial date must be requested at least ten (10) calendar days before trial by written notice of motion filed with the court and served upon all parties to the action. No change of trial date before or during trial in civil cases shall be granted except upon affirmative showing of good cause. If the motion is granted, notification of the new trial date will be sent to all parties. Civil trial dates are subject to change by the court at any time. (Amended eff. 7/1/02)

RULE 9.27
VENUE OF CIVIL PROCEEDINGS

Limited jurisdiction civil cases may be filed at any court location other than the Juvenile Services Center. The case must be assigned for all purposes to a judge sitting in a branch court, or to a judge sitting in the courthouse in San Luis Obispo, on the following basis:

1. The case must be assigned to a judge sitting in the court within the jury district that encompasses a defendant's residence or principal place of business.
2. If the defendant's residence or principal place of business is outside the County of San Luis Obispo, then the case must be assigned to a judge by using the principles set forth in sections 392 through 395 of the California Code of Civil Procedure. The term "jury district" must be substituted for "county", "city and county" or "judicial district" where those terms are used in the statutes.

The first pleading filed in a limited civil action must contain an allegation that establishes the proper venue of the action.

If a party demands a jury trial in a case assigned to a judge sitting in a branch court, the case must be transferred to a judge sitting in the courthouse in San Luis Obispo. Court trials of limited jurisdiction civil cases assigned to a judge sitting in a branch court must be handled in the branch courts.

Unlimited jurisdiction civil cases may be filed at any court location other than the Juvenile Services Center. The case must be assigned for all purposes to a judge sitting in the courthouse in San Luis Obispo.

The court to which any action has been assigned may be changed upon a showing of good cause or upon the court's own motion. (Amended eff. 7/1/02)

RULE 9.28**SMALL CLAIMS PROCEEDINGS****(a) Post Judgment Motions**

(1) The court will schedule all small claims post judgment hearings not less than ten (10) calendar days after the filing of the proper papers.

(2) Post judgment hearings will be calendared at the same time as small claims cases are heard.

(b) Continuances

Continuances of small claims proceedings will be granted by the court only if the request is in writing, is made at least five (5) calendar days before trial and/or upon a showing of good cause.

(c) Costs

Costs for personal service are in the discretion of judicial officer if the plaintiff has not first unsuccessfully attempted service by certified mail. (Amended Effective 7/1/2002)

RULE 9.29**MANDATORY MEDIATION**

(Repealed Effective 7/1/2001)

**CHAPTER 10
PROCEDURAL RULES
CRIMINAL AND TRAFFIC**

RULE 10.00**FILING CRIMINAL COMPLAINTS AND CITATIONS****(a) Filing**

All criminal complaints, informations, and citations filed in the Superior Court of California, County of San Luis Obispo must comply with the Court Filing Procedures.

(b) Authorized Filing Agencies

All criminal complaints, except for violations of the law authorized to be filed by a law enforcement agency in the Superior Court Filing Procedures, may be filed only by the District Attorney of San Luis Obispo County, the California Attorney General or by a City Attorney for any city within the County of San Luis Obispo.

(c) Location of Filing Complaints

All criminal complaints may be filed at any court location but must contain in the heading the name of the proper court location as specified in Rule 204(a).

(d) Location of Filing Citations

All citations must be filed at the court location in the jury district in which the offense is alleged to have occurred.

(e) Documents Necessary to File Complaint

When a criminal complaint is filed, in addition to the original complaint, the filing agency must file one copy of all material (such as police reports) which constituted the basis for requesting a complaint for each defendant. If the District Attorney is not the filing agency an additional copy of the complaint and all reports must be filed for that agency.

(f) Time of Filing

All criminal complaints charging in-custody defendants must be filed with the Clerk of the Court at the San Luis Obispo Court location not later than 4:00 p.m. of the day before the defendant is to appear. All criminal complaints charging defendants not in custody must be filed not later than 48 hours prior to the defendant's appearance. Upon a showing of good cause a later filing time may be authorized by a Judge of this Court.

(g) Amended Complaints

(1) **Before Arraignment.** An amended complaint may be filed, without leave of court, any time prior to arraignment.

(2) **After Arraignment.** An amended complaint may only be filed after a motion to amend has been granted. (Amended 7/1/02)

RULE 10.01**BAIL****(a) Requests for Increase or Reduction**

When bail has been set by a Judge out of Court, all subsequent out-of-court requests for an increase or reduction of bail must be made to the judge who set such bail.

(b) More than One Request

Any person requesting a reduction or increase in bail must disclose all other applications for an increase or reduction.

(c) Notice to District Attorney

(1) No applications may be made without prior notification to the District Attorney to allow a representative to be present.

(2) When a request for bail or OR is made after normal court hours the requesting party must contact the "on-call" deputy district attorney to determine his or her recommendation. The "on-call" deputy district attorney will notify the requesting party of the bail recommendation and furnish a phone number where the party can contact the deputy district attorney to discuss the recommendation.

(d) Notice of Request to Discharge Forfeiture

The San Luis Obispo County District Attorney and the San Luis Obispo County Counsel have waived notice of the request for an order discharging a forfeiture of bail required by Penal Code Section 1305(a) provided the following determinations and assessments are made:

(1) That defendant has been delivered into the custody of the San Luis Obispo County Sheriff at the San Luis Obispo County Jail, or the defendant is present at the Court proceeding for bail exoneration; and

(2) That the proceeding for exoneration of bail has been commenced within 180 days after entry in the minutes or mailing of the Notice of Forfeiture, together with such additional time as the Court may have previously ordered pursuant to its authority under Penal Code Section 1305(a); and

(3) That the Court assess the sum of ~~\$40.00~~ \$100.00 as a condition to exoneration of bail in all cases (said sum representing the court's costs in reprocessing the defendant); and

(4) That the following assessments be made as applicable where defendant has been transported back to San Luis Obispo County at public expense:

(A) Los Angeles County Sheriff's bus service must be assessed at \$26.00;

(B) Security Air Transport Air Service must be assessed at \$226.00;

(C) Other transportation costs must be assessed at actual cost.

In all other cases, the County Counsel must be given notice pursuant to Penal Code Section 1305(a) by way of a properly completed Court approved form.

(e) Source of Bail -- PC 1275 -- Procedure

When a Source of Bail Order pursuant to Penal Code Section 1275 has been signed by a judge in a case, the following procedure must be followed by the defendant in calendaring the matter for hearing to show that "no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained:"

(1) Declarations and Proof Required

The Request for Hearing must be accompanied by a declaration or offer of proof setting forth the following:

(A) The bail bondsman,

(B) The source of the bond premium, including name and address of person(s) proposing to pay said premium, and

(C) The source of the security or pledge, including the name and address of the owner, and description of the property.

(2) Time for Filing

The declaration or offer of proof must be filed and personally served on the District Attorney not later than three court days before the hearing; for example, for a hearing on Friday at 8:30 a.m., the declaration or offer of proof must be served and filed by Tuesday at 5:00 p.m.

(3) Persons Required at Hearing

At the hearing the defendant must produce the bail bondsman, the person proposing to pay the premium, and the person proposing to provide the security for examination and cross-examination. (Amended eff. 7/1/02)

RULE 10.02**ARREST AND SEARCH WARRANTS**

All requests for arrest and search warrants must be presented to the District Attorney's Office for review prior to being presented to a judge and must be approved by a deputy district attorney who has reviewed and approved the request. (Amended eff. 7/1/02)

RULE 10.03**CALENDARING CRIMINAL PROCEEDINGS****(a) Location of Arraignment****(1) In-Custody**

The initial court appearance or arraignment for defendants who are in custody in the County Jail will be held at the San Luis Obispo Court location.

(2) Out of Custody

The initial court appearance or arraignment for defendants who are not in custody except defendants charged with a felony offense will be held at the court location in the jury district in which the offense is alleged to have occurred unless the defendant has posted bail since the last court appearance without knowledge of this court.

(3) Felony Cases